

Article I, Section 14

The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue but upon probable cause supported by oath or affirmation, particularly describing the place to be searched, and the person or thing to be seized.

Fourth Amendment

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, *and* particularly describing the place to be searched, and the persons or things to be seized.

Brigham City v. Stuart (Utah Supreme Court)



Relying on the Fourth Amendment, the Utah Supreme Court held that Brigham City officers were not justified in entering a home without a warrant to stop a fight in progress. *Brigham City v. Stuart*, 2005 UT 13, 122 P.3d 506.

- The Court noted that article I, section 14 of the Utah Constitution “provides a greater expectation of privacy than the Fourth Amendment.” *Id.* at ¶ 11.
- The Court lamented the fact that defendants had not challenged the officers’ action under the Utah Constitution, and urged litigants to raise separate state constitutional claims in the future, thereby enabling the court to develop “an independent analysis of search and seizure law” under the Utah Constitution. *Id.* at ¶¶ 10-14.



Brigham City v. Stuart (United States Supreme Court)

The United States Supreme Court reversed the decision of the Utah Supreme Court 9-0. *Brigham City v. Stuart*, __ U.S. __, 126 S.Ct. 1943 (2006).

- In a concurring opinion, Justice Stevens observed that the unanimous opinion of the U.S. Supreme Court was “so clearly persuasive that it is hard to imagine the outcome was ever in doubt.” *Id.* at 1950.
- Justice Stevens, however, predicted that the Utah Supreme Court would “probably adopt the same rule as a matter of state constitutional law that [the U.S. Supreme Court] reject[ed] [that day] under the Federal Constitution.” *Id.*

State v. Tiedemann (Utah Supreme Court)



In this recent non-search case, the Utah Supreme Court agreed with Justice Stevens's prediction that it would “probably adopt the same rule as a matter of state constitutional law that [the U.S. Supreme Court] reject[ed] ... under the Federal Constitution.” *State v. Tiedemann*, 2007 UT 49, ¶ 35, 162 P.3d 1106.

What's wrong with a different interpretation?

- **Choosing language identical to the Fourth Amendment suggests that Utah's framers intended to secure the same protections recognized under the Fourth Amendment.**
- **Law enforcement should only be required to apply a single, uniform standard. A new, developing standard under Utah law would create unnecessary confusion for years to come.**
- **Expanded "protections" will result in the suppression of relevant evidence in criminal trials and the frustration of the truth-finding process.**
- **The decision to expand protections rests with the duly elected Legislature, not the courts.**

Proposed Amendment to Article I, Section 14

The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue but upon probable cause supported by oath or affirmation, particularly describing the place to be searched, and the person or thing to be seized.

The rights protected in this section are the same as those under the Fourth Amendment to the United States Constitution, as interpreted by the United States Supreme Court. Evidence obtained in violation of these rights shall only be excluded in a proceeding of this State if it would be excluded under the decisions of the United States Supreme Court construing the Fourth Amendment to the United States Constitution. Nothing in this section shall prohibit the Legislature from granting broader protections than those set forth herein.